

It's Time, Illinois Report on  
**Discrimination and Hate Crimes Against Transgendered  
People in Illinois**  
1998 Supplement (Revised)

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**DISCRIMINATION AND HATE CRIMES AGAINST  
TRANSGENDERED PEOPLE IN ILLINOIS**

**February 1998 Supplement**

Last year, the Documentation Committee of *It's Time, Illinois (ITI)* prepared its second annual report documenting violation of the basic human rights of transgendered individuals in Illinois. The report provided background information on transgendered people and why there is a need for legislative reform to address the systematic discrimination against them. It included many first person or newspaper accounts of these injustices. That report is just as valid today as it was one year ago.

This supplemental report should be viewed as an installment in our ongoing effort to bring about an awareness of the injustices committed against transgendered persons living and working in the State of Illinois. It is a companion to the 1997 ITI Report. Additional copies of the 1998 Supplement and the 1997 Report may be obtained by contacting *It's Time, Illinois*.

**1997 - YEAR IN REVIEW**

The main purpose of this report is to document discrimination and hate crimes against transgendered people. Many of these cases would not otherwise be recorded. Too often when a transgendered person calls an agency such as the Illinois Department of Human Rights to register a complaint, he or she is told that they don't handle that type of case. The message from these agencies is that they are somehow less valuable as human beings; that they are outcasts from society; that they have no voice. The message is that no one cares about the injustices against him or her.

*It's Time, Illinois* cares! Besides documenting their cases in reports such as this one, we have used these reports in our efforts to gain the needed legislation.

Last year, the ITI report served a crucial role in convincing the Evanston City Council that their Human Rights Ordinance needed to be amended. In July 1997, Evanston passed the first trans-inclusive Human Rights Ordinance in Illinois. This law guarantees that residents and visitors in Evanston will not be fired, denied housing, or refused treatment in a hospital simply because of their gender identity or expression. The Evanston Human Relations Commission was chartered to investigate and prosecute if this occurs. (A copy of the Evanston Human Rights Amendment is found in Appendix A.)

The report was presented to the Advisory Council on Gay and Lesbian Issues

(ACGLI) of the Chicago Commission on Human Relations. Last year ACGLI unanimously passed a resolution supporting the inclusion of transgendered individuals in the Chicago Human Rights Ordinance. ACGLI Director Mary Morten chartered the Advocacy Committee to initiate the process. ITI is currently working closely with ACGLI and the Advocacy Committee on this issue. (A copy of the ACGLI resolution is found in Appendix B.)

Last year, our alliance with the Illinois Federation for Human Rights (IFHR) resulted in trans-inclusive language in the Illinois Human Rights Bill. The language redefines “Sexual Orientation” to include gender identity as suggested by ITI. The Hon. Larry McKeon, Representative of the 34<sup>th</sup> District, presented the bill in the Illinois House of Representatives. Although the bill was defeated, it will be reintroduced later this year. We are proud to say that the IFHR now includes transgendered persons in its mission statement. Furthermore, Stephanie Young, co-founder and current Vice Chair of ITI, was elected to the IFHR board.

The ITI report was presented to the offices of every US Congressman and Senator from the State of Illinois during National Gender Lobby Days. The report played an important role in the discussions with the congressmen because it brought the problem home. As result of Lobby Days, ten congressmen, including the Hon. Jesse Jackson, Jr., Representative of the 2<sup>nd</sup> Congressional District, went on record urging Attorney General Janet Reno to investigate hate crimes against transgendered people.

## **SUMMARY OF FINDINGS**

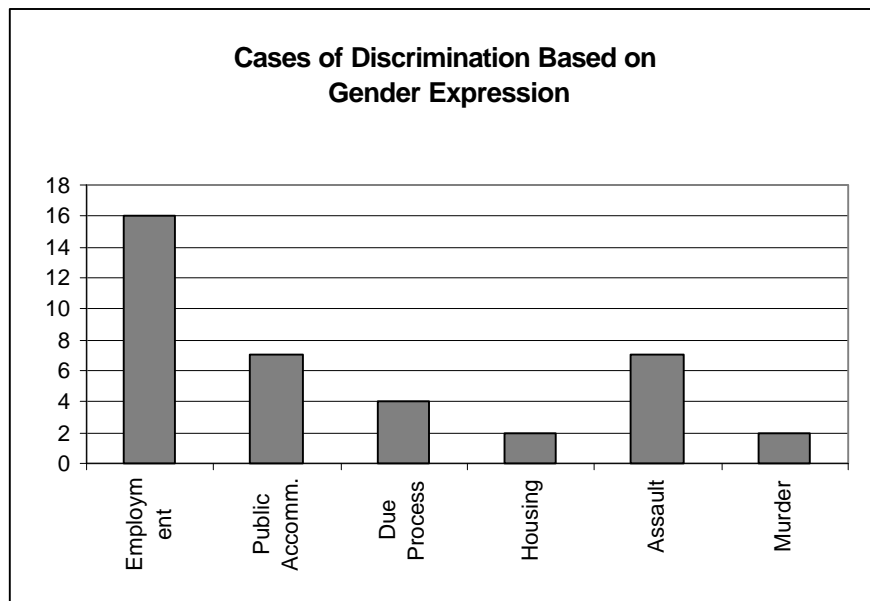
*It's Time, Illinois* has been documenting cases of discrimination and violence for less than three years. In that time we have recorded 31 individual stories. This is a very small number, and probably grossly under-represents to total extent of the problem. It is probably safe to say that most transgendered individuals have not heard of *It's Time, Illinois*, and would not think to report their incidents to us. Some agencies, such as the Chicago Commission on Human Relations, have been very cooperative in allowing us to search their records for cases, and to use them in our report. Other agencies keep their records confidential, and thus they are not available to us. For example, according to the Cook County Human Rights Commission, there were three complaints of discrimination filed by transgendered individuals. These cases are confidential and are therefore not recorded in this report.

It is becoming apparent that the concept of discrimination against transgendered people is mush too limited in scope. In order to describe the extent of the problem more completely, we need to reexamine the roots of the hatred. In all of the cases, the individual has been targeted for discrimination because they exhibited some characteristic which violated societal gender role norms. With

this new definition in mind, it becomes apparent that many individuals who do not identify as transgendered are also persecuted on the same basis. This year, we specifically looked for cases in the Chicago Commission on Human Relations files in which the individual was discriminated against because they were perceived as exhibiting characteristics not traditionally associated with their biological sex. We found three such cases, all employment discrimination, which will be discussed in the employment section below.

In several of the cases, there were multiple elements of discrimination. All in all, with multiple elements being counted separately, we have a total of 38 incidents. Given this number, we can start to do some analysis of the patterns. The most prevalent type of discrimination was employment, followed by public accommodations and housing. There is a separate category, which we are calling “due process” for lack of a better term. These are cases in which the discrimination was being committed by an agency of the government in which the individual was denied due process of the law. The final category is hate crimes, discrimination taken to the extreme.

Summaries of the cases documented in ITI’s 1997 Annual Report are in Appendix C. For a copy of 1997 Report, please contact *It’s Time, Illinois*.



## Employment Discrimination

Over 40% of the cases over the past 3 years dealt with employment situations (16 out of 38 incidents). In half of those cases (8), the person was fired. In general, the firing occurred within a few months after the person's gender identity became known. In three of the cases, the company had employed the individual for over 15 years. Job performance of the individuals was not an issue, most having received consistently good to high ratings in their performance reviews. In most of the cases, the employer used a trivial excuse to fire the individual, totally unrelated to gender identity. The timing of the firing left no doubt as to the motive behind it.

In five of the cases, the person was not hired. A common theme going through these cases is that the person interviewed well, had all the qualifications and credentials, but was denied employment anyway. Some were told outright that they would not be hired because of their gender identity. Some were told to come back after they had fully transitioned. Some were told that their presence would interfere with the performance of the other employees. In several of the cases, the individuals were told that they were hired, but they were contacted shortly before starting, and told that they need not show up.

In three of the cases, the individual was harassed on the job. Some of the harassment was by other employees, but most was by the employer. Two of these cases involved denial of a legally sanctioned name and gender changes.

There were three cases in which the individuals did not identify as transgender, although they identified as gay or lesbian. In two cases, the individual was not hired, and in the other, she was fired. In each of these cases the discrimination claim was made on the basis of sexual orientation, but it was apparent in the body of the complaint that they were being singled out because they were perceived as "too feminine" or "too masculine." The extent of this type of discrimination is not known. However, it should be noted that in jurisdictions where human rights are protected on the basis of sexual orientation, they are not protected on the basis of gender identity or expression. This may mean that although straight acting and appearing gays and lesbians may be protected by the local ordinance, those that are "gender different", i.e., falling outside of society's gender role expectations, may find that they are not protected by law.

The laws that were enacted to protect gay rights leave out protection for gender variant gay men and lesbians. This is the best argument for amending existing legislation to include a new definition of "sexual orientation" which encompasses both affectional relationships and gender identity. Transgender inclusion in human rights laws is not about protecting a special class, it is about guaranteeing that all individuals have the right to express their gender regardless of whether they are within the boundaries of traditionally accepted gender roles.

## **Public Accommodations**

About 20% of the incidents in the past 3 years were discrimination by or in a public accommodation (7 out of 38 incidents). Once again, these are probably grossly undercounted. Many people do not wish to file a formal complaint if they are refused service in a nightclub or restaurant. Although their rights have been violated, they do not feel it is a serious enough issue to pursue. However, there is a major difference between being refused service at a restaurant and being denied treatment at a hospital or protection by police. In these cases, discrimination by or in a public accommodation becomes a life threatening criminal act.

We have recorded 3 cases of discrimination in a hospital. In each case, the individual sought treatment for trauma resulting from hate crimes against them. When treatment was given, it was minimal, and could be considered medical negligence. In one case, complications due to the individual's intersex condition were ignored by the hospital, and resulted in death.

We recorded one case of discrimination by police and paramedics. In this case, the individual had been shot twice in the back in a hate crime, and the police and paramedics would not help her get up and into the stretcher. She survived the ordeal, but it might have turned out otherwise. The incident was similar to one in Washington DC in 1996, in which Tyra Hunter, a young transgendered woman, was struck in a hit-and-run accident. When the paramedics discovered that Tyra had a penis, they refused further treatment, and allowed her to die as they made jokes about her gender.

## **Denial of Due Process Under the Law**

About 10% of the cases in the past 3 years involved discrimination by an agent of the government in which the individuals civil rights were violated (4 out of 38 cases). In three of these cases, the individual was subjected to arrest without cause and jailed without charge or on false charges. In two of these cases, the individuals were harassed and beaten by the arresting officers. In the remaining case, the individual was jailed under false pretenses, and the incident led to a chain of events, which eventually led to additional discrimination by the Department of Social Services resulting in loss of custody of her child.

## **Housing**

A small number of the cases involved housing discrimination (2 out of 38, about 5% of the total). In one case, the individual and her family were evicted when it was discovered she was transgendered. In the other case, representatives of the local housing authority obstructed the individual's attempt to rent an apartment.

## Hate Crimes

Nine cases of hate crimes were recorded in the past 3 years (about 24% of the total cases), including one act of terrorism, 6 assaults, and 2 murders. The murders were both brutal, mutilation murders, involving multiple stabbing and other types of deadly assault. Overkill seems to be typical of hate-related murders of transgendered individuals.

Several of these cases involve police brutality. In three of incident, the injuries suffered in the hate crime were compounded by further discrimination by the hospital or police. As one of the victims stated, "The people who could have done the most for me [after the hate crime] actually did the very least."

In April 1997, GenderPAC issued the First National Survey on TransViolence. The sample size was 402 individuals. 60% reported being a victim of violent assault, and 95% of the worst incidents involved 2-3 perpetrators. Incidents included harassment, stalking, assault with and without a weapon, rape, objects thrown, and unjustified arrest. The survey is available from GenderPAC (e-mail: GPac@GPac.org). The following quote is from the conclusion to that report.

Overall, being harassed by strangers within public areas is the most common incident reported by people. While some people may seek to belittle its seriousness, it should be noted the role such harassment has upon people's emotional distress and as a potential precursor for violence. Generally, trans-people are at risk for violence. The major reason why trans-people are targeted for violence and discrimination is that they do not conform to society's rules concerning the presentation and behavior of gender. In a way, these attacks occur not only upon an individual, but upon the community as a whole as a way of saying "better not let us catch you acting this way or you'll end up the same way." Violence in this regard stifles political and social action, and this is grossly unfair.

Related to this is the association between employment discrimination, low income, and experiencing a violent incident. These are all related issues. People can experience employment discrimination like losing their job, which could then lower their economic status, which would then place them at a greater risk of experiencing violence. What this means is that employment protection as well as hate crimes legislation is needed in order to protect trans-people from experiencing violence.

## CASE NARRATIVES

The following are actual cases of discrimination based on actual or perceived gender variance against individuals who are currently residing in Illinois. The cases were taken from interviews with *It's Time, Illinois* or complaints filed with the Chicago Commission on Human Relations. Names and other identifying features were eliminated or changed where appropriate to protect the anonymity of the individuals. The words are those of the person who related the incident, with the exception of the phrases in parentheses, which were added for clarity. Complete transcripts of the interviews are held in the confidential files of *It's Time, Illinois!*

### Overview of Cases

No.	Type of Discrimination	Comments
97-1	Hate Crime, Assault	Crossdresser harassed and assaulted by stranger on street.
97-2	Due Process, Police Harassment	Crossdresser falsely arrested and physically abused by police.
97-3	Employment	Transgendered person hired as woman in retail, fired for not obeying male dress code.
97-4	Employment	Computer specialist, 15 yr. experience, denied job because of gender identity.
97-5	Hate Crime, Harassment	Stalking, threats, terrorism of young transsexual woman.
97-6	Housing	Discrimination by public housing authority in rental situation.
97-7	Employment	Transgendered person initially hired in telemarketing, then denied job before starting.
97-8	Employment	Transsexual woman denied access to woman's washroom by employer.
97-9	Employment	Surgical Technologist, lesbian, fired after repeated harassment due to her masculine appearance.
97-10	Employment	Gay man initially hired in retail, then denied job before starting, perceived as "too feminine."
97-11	Employment	Gay man hired as temporary but denied permanent position because perceived as "too feminine."
97-12	Housing	Transsexual woman evicted along with family when landlord discovered her gender status

**Case 97-1**  
**Hate Crime, Violence**

(The following report was filed with It's Time, Illinois on 3/1/97.)

This incident occurred in December 1993, the exact date cannot be recalled. I consider myself transgendered, living part time as a female. Some may call it high-end crossdressing. However the term crossdressing to me seems to denote a fetish. This part of my life is not a fetish. It is part of my life.

It was around the holiday season and I was a social club in Chicago. This particular club held their parties on Fridays, so at least I am sure of the day. This was a good party and, being in the holiday spirit, a few of us decided to continue our festivities. We left the Northwest Side of Chicago around 1:00 a.m. and went closer to downtown to a local gay bar which catered to the transgendered community. I drove with one of my good friends and luckily we found a parking spot just across the street, which around this club was a rarity. The location of this bar was in a mixed ethnic area, however the general location was considered fairly safe because of all the "hot spots" in the area. I had been there previously several time and always by myself.

We stayed till closing, 4:00 a.m. We had another good time, met some friends and new people, and filed out with the masses on to the street. It was very crowded on the sidewalk and people were literally spilling into the street. We said our goodnights to some people and decided it was time to leave.

I felt a tug at my wig from behind. I turned quickly and thought who would do this as a joke? I saw a flash of a figure in a white satin sporting jacket. I was embarrassed however. I gathered myself and my wig, which was at my feet, and proceeded across the street with my friend towards the car. It was snowing lightly, it was icy and the traffic was stop and go because of the area and the amount of people on the street. I had my keys in my hand and was inserting the key in the door lock when I felt the same tug on my hair, again from behind. Again I turned around and was face-to-face with my attacker.

It was a blur, but I remember him saying, "Come on, motherfucker," and he took a boxer's stance. He hit me in the mouth with the proverbial left jab. However, I saw it coming and moved with the hit so the impact was not significant. At this point, I was totally upset. I glared him in the eye, I'll never forget his face, said, "Stop... just leave it alone." He swung at me again but missed because I was reaching down for my wig, which again was at my feet. I remember yelling for someone to help me several times quite loud. It evidently startled him because I just walked over to the sidewalk where my friend was, and my attacker was gone.

We got in the car and were approached by two men who asked if I was all right, and all right to drive. I acknowledged I was and we left.

The aftermath of the feelings of being a victim is another story. I was certainly glad to be with a good friend who helped me through it, and I was certainly very, very lucky because as bad as the incident was, it could have been much worse... much worse.

**Case 97-2**  
**Harassment by Police and Civil Rights Violation**

(The individual is a 43-year old crossdresser. The incident took place on October 12, 1996 in Elk Grove Village, IL. It was reported to It's Time, Illinois on 8/12/97.)

I had been attending a party at a social club on the Northwest Side of Chicago. I just left the party, where I had only two drinks within an hour, and I drove to Elk Grove Village. I went there to meet some friends from the party at a gay bar in known to be accepting of crossdressers. Because I was "on call" from my work, I didn't drink while there, and that's also why I didn't drink much while at the party. By the way, at the time I was "in drag" and driving a hearse.

I just came out from the bar, and as I was driving a block away, at Higgins Road and Oakton Avenue, the Elk Grove Police stopped me. They had been hidden way back in the dark off the road with no light on. I think I was watched by them as I went into the bar. There I was... I was discovered by the police, me dressed and driving a hearse. It felt like the police couldn't wait to charge me with something. When I was stopped, I was just waiting for a red light to turn green, I was not moving. They did not tell me what I was stopped for until later.

They said I was drinking. Then a 2nd squad car came. They made me walk toe-to-toe on a rocky gravel driveway with high heels on. They were calling me "fag" all the time that we were out there. They took me, handcuffed me tight, dragged me over to the police car, and slammed my head and body down onto the hood of the car (calling me names again). This happened around 4:30 to 5:00 a.m. early Saturday morning.

They then took me down to the station and took all the information, making sure the whole station knew what I was. They wanted me to blow into the machine. I refused, so they grabbed me by the back of my neck, pulled the wig off, shook me, and squeezed my neck till I blew. I refused.

The picture taking and fingerprints were all downstairs. The cop said we were going downstairs now, and as we were going down the stairs, the cop behind me took his foot and kicked me, but I caught hold of the railing so I didn't fall. When we went to take fingerprints, the cop took hold of my fingers and slammed them down on the board. When everything was done, they put me in a room. About every half hour one cop would come in and ask about the breath test. When I refused, they would kick the chair underneath me. I wasn't released until the afternoon on the next day (Saturday).

In court, my lawyer really looked the other way, saying all the time it doesn't look good. The judge was afraid to say much. He didn't want to know about the police harassment. I had reported the incident to the police. The police said they would take care of it, but at court I found out they did nothing. They said that we take care of our own. I tried to call other groups, human relations, etc., but no one would listen. The lawyer said I didn't have a case for a lawsuit. I tried other lawyers and they said the same thing.

I was harassed and subjected to physical abuse. My family was affected. We suffered financial hardships because, as a result of this incident, I had to stop driving and lost my job.

**Case 97-3**  
**Employment Discrimination**

(The story below was told to It's Time, Illinois in a telephone interview with Miranda Stevens in June, 1997)

I am a 34 year-old software engineer. I knew I was transgendered since I was about 6 or 7, and have been out publicly since my early 20's. I have been married since 1990, and my wife knows all about my gender identity.

I have been going through some changes in the last year and a half. They know about me at my job, although I work there as a man. I would like to dress full time as a woman at my job, but I do not feel compelled to go through with reassignment surgery. But my gender identity is just too big a part of myself to be kept in a bottle.

I took a second job at Hawthorn Mall in Vernon Hills as a woman. I was doing my Christmas shopping at the Avenue, and saw a help wanted notice at one of the shops. I was dressed as woman at the time, and decided to go ahead and fill out the application as a woman. I was hired there as a saleswoman.

I was very good at my job. I worked there most weekends, except some weekends when I had to go out of town for my other job. My supervisor told me on numerous occasions that I was doing a good job, and that I had every right to do the job.

After several months, the person who hired me left the company. I continued to work a couple of months more. Then I met the upper management of the store, but they didn't say anything [about the way I was presenting myself]. However, eventually they stopped calling me in. The work schedule was made up on a week-to-week basis, and I didn't work unless called.

When I asked why they stopped calling me, the district manager told me that I was doing a great job, and that if I would adhere to the dress code, then they would keep me on. They had never showed me the dress code before, it just wasn't an issue. According to the code, "men" needed to wear a white shirt and tie to work.

They hired me as a woman, the customers liked me, and I was told that I was doing a good job. I never went back to work there.

**Case 97-4**  
**Employment Discrimination**

(The individual is a transgendered woman living in DuPage County. The incident was originally reported to It's Time, Illinois on 3/11/97, with additional information on 8/13/97.)

I am a 48 year-old male-to-female preoperative transsexual, just beginning my transition. I am a Vietnam veteran, and I have had 15 years experience as a computer systems administrator. Over a year ago, I went to Triad Personnel Services, a contract house in Oak Brook Terrace, and registered there as a UNIX system administrator and programmer. That was before I started thinking seriously about transitioning. I had references from my 15 years as a systems administrator.

In March of this year, they called me to see if I was still looking for work. I told them at that time that I was transgendered and that I would like to work as a female. The person that I talked with did not seem to have a problem with the idea, and was willing to help. About 20 minutes after we hung up, that person's boss or supervisor called back to say that they would not be able to

help me because they had no way to check on my references.

Basically they blocked me from getting consideration for that job. They gave me the run-around, and would do absolutely nothing to help me. Their excuse didn't make sense. They had my male name. I hadn't yet had a legal name change. They had my social security number. There was no reason why they couldn't check on my references.

### **Case 97-5 Harassment**

(This individual is a 29-year-old preoperative MtF transsexual living in Aurora IL. Her case was reported to It's Time, Illinois on 9/8/97.)

When I first started being discriminated against was when I first went to the Aurora Housing Authority back in the early '90s. Between 1991 and 1995, I was living in public housing and was always harassed in some way or another. Maintenance men entering my apartment without notice, being called names, strangers coming to my door late at night with black hoods on, eggs smeared on my door, writing on my car, arguments almost leading to physical altercations, and harassment by the apartment manager.

When I was first put into public housing, I was not as far along [in my transition] as I am now. I was outed by [the manager of the apartment complex that I was living in]. Everyone pretty much left me alone until the manager opened her mouth around the complex. This is when the anger came out of everyone, and was directed towards me.

I was harassed, called "faggot" and "weirdo." And I really believe that if I had opened the door on those nights when the strangers were there, I think that I would be dead right now. My mother was deeply hurt and saddened by it all, and was scared for my life. I really do think that [I was affected financially] because although I tried to work, I couldn't keep the job because I was too scared to leave my apartment at times.

The incidents were reported to the managers and the police. That particular building went through several managers, so it was not only reported to [the manager who harassed me], it was reported to another manager. I am involved in a potential lawsuit now. The reason I say potential is because I don't know if my case will be accepted. My mother, my brother can back up all that I say, they were notified of everything that occurred to me.

(It's Time, Illinois subsequently learned that her case was turned down by the legal defense service.)

### **Case 97-6 Housing Discrimination**

(This individual is the same person who was terrorized while living in Aurora public housing. See Case 97-5 for details. Her case was originally reported to It's Time, Illinois on 9/8/97.)

The discrimination that I have suffered all those years is even continuing today. I was moving in June of 1997. I had given 30 days notice the first week of May so as to assure that I had given proper notice. When I came into the office and gave my notice, I was told that my caseworker would change due to putting everyone in alphabetical order to make things easier for Aurora Housing. My new caseworker, upon first sight of me, was openly rude. The way she spoke to me and conducted my business were open signs that she didn't care for me. I had a really cute

apartment all set up to put my deposit down on, but my case worker pushed the inspection date back so far that the people called me and said that they couldn't wait that long and wished me luck in finding another place.

The second place I liked as well, and again the people were all set to rent to me. They went so far as to take my deposit from me, and told me to come and get the key at the end of May. Well, my caseworker was rude and left these people in the dark about the Housing program that I was on. They needed to know information about the program. It was their first time dealing with Housing, but since they liked me they said that they would give it a try. The people that were going to rent to me were a doctor and his wife. Mind you, the doctor and his wife knew nothing of me being transgendered, they just thought they were renting to a nice young lady. As I said earlier, I had given them a deposit of over \$400 to hold the apartment for me. Well due to my case worker, they also called me up and told me to get my deposit back because my case worker was rude and unwilling to cooperate with them so that I could move in.

Again, I found a third place that was managed by a former landlord of mine. She had told me that I could come look at the apartment, and if I wanted it to let her know. Well by this time it was the end of May. I only had a few days left to find an apartment and my caseworker knew it. So, I went to see the apartment and I like it a lot. My caseworker made the inspection this time because I had complained to her boss over at Housing. She came in, she inspected, and told the manager that I couldn't have this apartment either because the rent was \$5 over what I could afford. The manager knew that I was in a bind so she so kindly lowered the rent \$5 so that I could get my keys and move in. This is the only reason that I have the apartment now. But if it were up to my caseworker, I would be homeless right now.

The doctor and his wife said that if I wanted to pursue the matter concerning my case worker that they would let whoever it is know how unbelievably rude and inconsiderate she was. But they don't know that I am transgendered, and if you all do decide to contact them about this matter, I would like for you not to tell them. There are other ways that you can get certain information without letting my information out of the bag.

(It's Time, Illinois suggested that she contact the Illinois Human Rights Commission to investigate the Aurora Housing Authority for discrimination and willful obstruction. She called back It's Time, Illinois on 10/17/97 and left the following report. "I called the Illinois Human Rights Commission as we discussed. They told me there was nothing they could do, they don't get involved in these types of cases. And Prairie State Legal Services told me I would have to seek another type of attorney. Basically, I'm getting the runaround.")

### **Case 97-7 Employment Discrimination**

(This individual is a MtF transgendered person who was discriminated against by a prospective employer, and consequently was not hired. She filed the following complaint with the Chicago Commission on Human Relations claiming discrimination based on disability.)

I have a disability (gender dysphoria). On or about February 17, 1997, I applied for a telemarketing position. I filled out an application for a job at the company and completed the typing test and other written tests.

On March 11, 1997, the manager called me and set up an appointment for me to meet with Ms. Jones in Human Resources, for the following day.

On March 12, 1997, I met with Ms. Jones and we agreed that I would start work on April 5, 1997. During this interview, I advised Ms. Jones that I am transgender. Ms. Jones told me if I used the

women's washroom and stayed consistent with my wardrobe that it would not be a problem.

On April 4, 1997 Ms. Jones told me that she was advised that there could be a conflict with customers and co-workers because I am transgender, and they were therefore unable to hire me. She told me to re-apply when I completed me sex change.

I believe I have been discriminated against because of my disability, gender dysphoria. Failure to hire me is a violation of Chapter 2-160 of the Chicago Municipal Code. I am seeking employment and all relief available under the law. (Case No. 97-E-94, filed April 8, 1997)

### **Case 97-8 Employment Discrimination**

(This individual is a transsexual woman who is employed by a major supermarket chain in Chicago. Her employer denied her access to a washroom. She filed the following complaint with the Chicago Commission on Human Relations as discrimination based on disability.)

I have a disability (gender dysphoria). In February 1997, the manager of the store where I work denied me the right to use the woman's washroom. My personnel file indicates that I am a female. My identification indicates that I am a female. I dress and conduct myself as a female. I feel that I should be allowed to use the woman's washroom.

Not allowing me to use this washroom is a failure to accommodate my disability. The above conduct is a violation of Chapter 2-160 of the Municipal Code. I seek all relief available under the law. (Case No. 97-E-101, filed April 18, 1997)

### **Case 97-9 Employment Discrimination**

(This individual is an African-American lesbian woman. She was fired from her job as a surgical technologist at a major Chicago hospital. Among the circumstances leading up to her termination, it appears that her supervisor perceived her as too masculine, and discriminated partially on that basis. The following complaint was filed with Chicago Commission on Human Relations.)

I was hired on June 12, 1995, as a Surgical Technologist at (a major Chicago hospital). I am African-American and I am gay. I was the only gay person in the Surgical Department. I was terminated on February 7, 1997.

Approximately from October 1995 to January 30, 1997, I have been discriminated against due to my race, African-American, and sexual orientation, gay, by my supervisor, (Oriental) Operating Room Supervisor. My supervisor always referred to me as "Mr." and she made comments to the fact that I "dress like a boy." Also when she need to have a heavy object lifted, my supervisor would ask me to lift it, and I had to redirect her and tell her that I am female, and that she needs a man to assist her in lifting the heavy object.

On January 30, 1997, I had just finished my lunch break, and went to check on the status of my case, when my supervisor approached me. She asked me to why I was sitting in the lounge area, and I told her I had just finished my lunch, and was about to check on the status of the case I was working on. My supervisor raised her finger at me, and spoke to me in a belittling way as she always does to me and other African-Americans working under her supervision. My

supervisor treats African-American surgical technicians differently than Registered Nurses who are mostly oriental regarding allowing us breaks and lunch. My supervisor sends nurses to relieve each other during breaks and lunches, while surgical technicians have to wait until the procedure is completed.

My supervisor assigned me to another task, which was to pull a table for a D & C case, and to help clean Room 9 when surgery was finished there. As I was going to do what I had been told to do, My supervisor started following me around and asked me why I was acting the way I was, and said to me that I am as "bold as a boy."

I bent over to pick up a package of surgical equipment, when my supervisor grabbed me on my shoulder. The way she grabbed me, I had to yell because I felt a lot of pain. I had had a previous accident on this shoulder, and when she grabbed me I felt the pain. My supervisor claimed she wanted me to come to her office to talk with her.... My supervisor started disciplining me, and I told her I did not want to continue the conversation anymore. Later that day, My supervisor informed me that the Senior Director of Special Services wanted to meet with us. At the meeting, My supervisor told the Director that I had engaged in inappropriate language towards her. I deny engaging in any threatening or confrontational manner with my supervisor. After the meeting the Director told me to go home, and that I would get paid for the rest of the day.

On January 31, 1997 at 5:30 a.m. the Director called me and told me that I was suspended pending investigation. I went to my doctor, and was treated for inflammation of my shoulder muscle, and was given Motrin. On February 7, 1997, I was terminated allegedly for engaging in confrontational and threatening manner. I believe my termination was as a result of false accusations by my supervisor. I had worked for the respondent for about 2 years and had an exceptional work record. I had no prior disciplinary problems prior to this.

Terminating me due to false accusations is race and sexual orientation discrimination, which is a violation of Chapter 2-160 of the Chicago Municipal Code. I am seeking all relief available under the law. (Case No. 97-E-58, filed February 26, 1997)

### **Case 97-10 Employment Discrimination**

(This individual is a gay man. He was discriminated against by a prospective employer, a major health food store chain in Chicago, because of his feminine mannerisms. Consequently he was not hired. He filed the following complaint with the Chicago Commission on Human Relations claiming discrimination based on sexual orientation.)

I am gay. On April 18, 1997, I was interviewed by the Manager of a retail health food store at the above location. She informed me that I was hired for the cashier's position and would start on Tuesday or Wednesday, April 22, or 23, 1997, after receipt of my computer control number to use at the register.

On April 21, 1997, the Manager called me up and hung up. I returned her call approximately ten minutes later and she admitted she had called me. She then told me I had been rejected for employment by the company. I contacted her boss, and he informed me that I needed to ask her the reason for my rejection. I called her on six separate occasions, but she never told me the exact reason.

It is my belief that I was rejected for employment because of my sexual orientation. I believe the Manager was aware of my sexual orientation as I noticed she looked very strangely at me during the interview. My sexual orientation is quite apparent to people because of the way I carry

myself, my mannerisms, and my looks.

I charge the store and the Manager with discriminating against me because of my sexual orientation. I seek all relief available under the law. (Case No. 97-E-111, filed April 24, 1997)

### **Case 97-11 Employment Discrimination**

(This individual is a gay man. He was discriminated against by his employer, a major consumer products corporation in Chicago, because he was perceived as "too feminine." Consequently he was not hired on as a full time employee. He filed the following complaint with the Chicago Commission on Human Relations as discrimination based on sexual orientation.)

I am a gay individual. I was subjected to sexual orientation discrimination in that I was denied hire on November 12, 1997, as a permanent repairman. I have been employed as a temporary occasional repairman since July 7, 1997. When I was hired I informed the Manager of Operations and Human Resources (non-gay) that when permanent work became available to let me know. He has never kept me informed when positions become available.

An open position of permanent repairman was available as recent as August of 1997. The position is always open to be filled. On November 12, 1997, I asked my immediate supervisor (non-gay) if I could be hired for the position. He told me that I was not mechanically inclined for the position and that I wouldn't fit into the position.

There are no skills that I don't have to perform the duties of permanent repairman due to the fact as a temporary repairman I have been doing repairman work since my hire. There are no special skills needed such as certification, special license, etc. Also I received a certificate for a pre-metal workshop. I am a good worker.

I believe the real reason I was denied the position of permanent repairman is due to the fact I am gay and I would receive benefits which I don't as a temporary employee. Also I believe that my supervisor feels that I am too feminine and does not want me to be a permanent fixture in the workplace as a gay person.

I have been subjected also to harassment because of my sexual preference in that co-workers continually call me sweetness, sissy, gay, fag and Michael Jackson. My supervisor has been present when such comments are made and he just smiles so I didn't feel the need to make a formal complaint about the harassment and how it disturbs me, it was obvious.

This is sexual orientation and harassment discrimination in violation of Chapter 2-160 in the Chicago Municipal Code and I am seeking all relief available under the law. (Case No. 97-E-278, filed December 2, 1997)

**Case 97-12**  
**Housing Discrimination**

(This individual is a transsexual woman living in Chicago. She and her family were evicted from their apartment when the landlord learned that she was transgender. She filed the following complaint with the Chicago Commission on Human Relations as discrimination on the basis of disability.)

I have a disability (gender dysphoria). Because of my disability, I have been denied the opportunity to remain a tenant in my apartment. In 1994, my mother, my sister, brother, three children and myself moved into the building at the address listed above in Chicago. I have always appeared and was perceived as a female by my friends, family and the landlord.

At sometime recently, the landlord became aware that I was originally a male. On March 16, 1997, the landlord came to the apartment to pick up the rent. During the time my mother was giving him the rent, an argument occurred between the landlord and my mother. The landlord said, "If I had known your daughter used to be your son, I would have never rented to you."

On or about March 23, 1997, I called the landlord to question him about the comment, and I told him that "If that is the way you feel, then return our rent money." He refused to return the money and said that he wanted us out of his building by April 16, 1997.

The above conduct is in violation of Chapter 5-08-030 of the Municipal Code of the City of Chicago (Chicago Fair Housing Ordinance). I am seeking all relief available under the law. (Case No. 97-H-37, filed April 16, 1997)

**APPENDIX A**  
**Evanston Human Rights Amendment**

**(Note: This is a draft of the Evanston Human Rights Amendment which was presented to the Evanston City Council on 7/14/97 by the Evanston Human Rights Commission. The amendment was passed with no changes by City Council unanimously on 7/28/97)**





## APPENDIX B

On September 19, 1997, the Advisory Council on Gay and Lesbian Issues (ACGLI) of the City of Chicago unanimously passed a resolution supporting the inclusion of transgender rights in the Chicago Human Rights Ordinance. A few weeks earlier, ACGLI chartered its Advocacy Committee to study the feasibility and to propose strategies for amending the Chicago ordinance to include trans rights.

ACGLI's overwhelming support of the transgender community resulted from interactions with It's Time, Illinois (ITI) and Queer Nation (QN). ITI originally approached ACGLI two years ago, and presented documentation of discrimination and hate crimes against transgender residents of Chicago. Robert Castillo of QN, a board member of ACGLI, and an outspoken supporter of trans-inclusion, has made transgender rights a major priority since that time.

The recent passage of trans rights protection in Evanston, Chicago's nearest neighbor to the north, was certainly a factor in ACGLI's decision. Mary Morten, Director of ACGLI, said in an interview with Outlines, the Weekly Voice of the Gay, Lesbian, Bisexual, and Trans Community, "The Evanston vote happened in a relatively quiet manner.... We're encouraged by [it] and are looking at how we can move things in a similar direction."

Miranda Stevens of ITI said, "We are excited about the support we are getting from ACGLI, and are anxious to work with them on the passage of trans rights in Chicago."

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### **Acgli Resolution to Support the Inclusion of Protections Based on Gender Identity/Expression to the City Of Chicago Human Rights Ordinance, September 17, 1997.**

WHEREAS; the gay, lesbian and bisexual community is comprised of a diverse group of people from all backgrounds and walks of life, and

WHEREAS; some members of the gay, lesbian and bisexual community identify as transgender, and

WHEREAS; members of the gay, lesbian and bisexual community have legal recourse from discrimination based on sexual orientation, and

WHEREAS; no protection exists based on gender identity/expression leaving our transgender brothers and sisters without specific legal recourse, and

WHEREAS; members of the transgender community suffer from discrimination in employment, public accommodations, credit transactions and housing due to societal ignorance or intolerance, and

WHEREAS; the transgender community has been increasingly working with the gay, lesbian and bisexual community in order to address issues of equality,

BE IT RESOLVED, that the City of Chicago Commission on Human Relations' Advisory Council on Gay and Lesbian Issues supports the inclusion of protection based on gender identity/expression to the City of Chicago Human Rights Ordinance.

## APPENDIX C

### Overview of Cases from It's Time, Illinois' Second Annual Report, 1997

	<b>Type of Discrimination</b>	<b>Comments</b>
1.	Employment	Fired after 21 years as printer, 2 months after starting transition
2.	Violence, Harassment	Assaulted and raped. Received biased treatment at hospital.
3.	Employment	Fired after 16 yrs. in housekeeping, 3 mo. after starting transition.
4.	Employment	Fired after 1 yr as proofer of printing film. Hired as a woman, fired 1 month after discovered to be transsexual.
5.	Employment	Fired after years in automobile service, 1 mo. after announcing intention to transition.
6.	Civil Rights Violation	Lost custody of child, home, possessions. Jailed without due process of law.
7.	Sexual Harassment	Hostile work environment and termination.
8.	Public Accommodation	Denial of entry into a public night club.
9.	Employment	Terminated after two months as food server.
10.	Denial of Name Change	Employer refused to recognize legal name change.
11.	Employment	Hired as a telephone interviewer, then denied job on first day.
12.	Violence, Murder	Brutally murder by date after discovery as biological male.
13.	Murder	Brutal "overkill" murder by strangulation, stabbing, and arson of a 24-year-old transsexual woman.
14.	Employment	Terminated within 6 months of informing employer, after over 20 years in management at a government agency.
15.	Assault, Discrimination by Police/Paramedics	Shot twice in the back in a hate-related incident, then received discriminatory treatment.
16.	Police Brutality, Medical Negligence, Death	Racist-motivated beating by police of a 20-year-old inter-sexed man, neglect by hospital, resulting in death in jail.
17.	Assault, Discrimination in Hospital	Hate-related aggravated assault of a crossdresser and subsequent neglect in hospital emergency room.
18.	Public Accommodation	Denied access to public shelters on two occasions.
19.	Public Accommodation	Attempt to deny access to class registration in a public institution of higher education.

## APPENDIX D

### Excerpts from February 1997 SECOND ANNUAL REPORT ON DISCRIMINATION AND HATE CRIMES AGAINST TRANSGENDERED PEOPLE IN ILLINOIS

#### WHAT DOES “TRANSGENDERED” MEAN?

Transgendered persons include all those whose outward expression of gender conflicts with currently defined societal gender norms. A 'transgendered' person is someone whose gender identity or expression differs from conventional expectations of masculinity or femininity. Their gender identity differs from their physical sex. Transgendered people are born this way and have no choice in who they are. Although it is difficult to get an accurate account of the numbers, it has been estimated that as much as 5% of the population are transgendered to some extent.

There are many terms that have been used to describe various members of the transgendered community. The term *transgendered* is to be viewed as all-inclusive. Transgendered persons include pre-operative and post-operative transsexuals, transgenderists (persons living full-time in a gender opposite their birth sex with no desire to pursue surgery); transvestites (preferred term: crossdressers, those whose gender expression occasionally differs from their birth sex); and “mannish” or “passing” women, whose gender expression is masculine and who are often assumed to be lesbians, though this is not necessarily the case. Transsexual and transgenderist persons can be female-to-male (transsexual or transgendered men) as well as male-to-female (transsexual or transgendered women).

The largest subgroup of transgendered persons are crossdressers who are often heterosexual men, although there are also women who crossdress. Apart from their occasional crossdressing, they lead lives that are quite ordinary in all other respects. Many crossdressers are married and most have children, so they have much to lose from their transgendered state being revealed. They also wish to remain in the sex they were born, unlike transsexuals.

Transsexual and transgenderist (non-operative transsexual) persons differ from crossdressers in that they come to feel they can no longer continue to live their lives in the gender associated with the sex they were assigned at birth. Although there is a tendency to categorize individuals as one or the other, it should be recognized that all transgendered people are on the same continuum which is characterized mainly by the individual's discomfort with birth sex, and willingness or desire to change their anatomy to match their true gender.

The overall psychological term for transsexuals is gender dysphoria, an intense feeling of pain, anguish, and anxiety from the mis-assignment of a

transgendered person's sex at birth. All transgendered people suffer from it, but the feeling becomes more acute for transsexuals and transgenderists, usually in the middle of their lives. These feelings lead many transgendered people into depression, anxiety, chemical dependencies, divorces and other family problems, even suicide. In order to seek relief from their gender dysphoria, transsexual and transgenderist persons transition, or to begin living their lives in their true genders, which are opposite their birth sexes. This means they literally must "out" themselves to their employers, their families, their friends, everyone.

Gender transition is impossible to hide, since gender is a pervasive facet of all aspects of one's life. For transsexual persons seeking sex-reassignment surgery, their transition also marks the beginning of the real life test. During this minimum one-year period, they must be able to demonstrate to their psychotherapists their ability to successfully live and work full-time in their true gender. This is an absolute prerequisite for sex reassignment surgery (SRS), the only known relief from the intense, physical gender dysphoria of transsexual people. The crucial importance of this trial period to a transsexual person is impossible to overstate: it is literally life or death. It is also when transsexual persons are most vulnerable to discrimination, harassment and violence.

Most transgendered persons identify themselves as heterosexual, although many are bisexual or self identify as gay or lesbian. The intrinsic difference is their gender identity, not their sexual orientation: these are two different things altogether. The concepts of homo- or heterosexuality become rather vague when one considers that in transitioning from one gender to the other, a transsexual person often crosses from one sexual orientation to another. It is important to note, however, that transgenders who are unable or unwilling to hide, "pass," or "woodwork," are often perceived as homosexuals, and thus are discriminated against in similar ways.

## **DISCRIMINATION AND THE LAW**

Like gay men, lesbians and bisexual persons, transgendered persons face employment and housing discrimination. They are also denied public accommodations and access to health care for their medical conditions. They are also potential targets for hate crimes: verbal harassment, hate mail, harassing telephone calls and even acts of violence committed by the same persons who hate homosexuals and bisexuals. It's Time, Illinois! has documented cases of these types of discrimination and hate crimes committed against transgendered citizens of Illinois.

Like the majority of gay men, lesbians and bisexual persons who keep their sexual orientations secret, the vast majority of transgendered persons also strongly desire to keep their transgendered status secret. Like gay men, lesbians and bisexuals, transgendered people are also vulnerable to their sexual

minority status being revealed against their will, i.e., being "outed". But unlike gay men, lesbians and bisexuals, transgendered people are much more likely to fall victim to discrimination and hate crimes, because most of them possess physical or behavioral characteristics that readily identify them as transgendered.

Currently there is absolutely no protection from any form of discrimination whatsoever for transgendered persons living anywhere in the state of Illinois. (Note: Evanston amended its human rights ordinance to include transgender protection after the 1997 report issued.) Existing laws protecting persons based on personal appearance, sex, sexual orientation or handicap status have not afforded transgendered persons any recourse: their transgendered states have been found by courts to be outside all legal definitions of such anti-discrimination laws.

A few jurisdictions in Illinois, including Chicago and Cook County, have human rights ordinances which provide protection based on sexual orientation. In each of these, sexual orientation is defined as status or expression, perceived or actual, of heterosexuality, homosexuality, or bisexuality. These terms refer to affectional relationships, i.e. the gender of the person to whom the individual is attracted. As described previously, gender identity is distinct from sexual orientation because it relates to the self, not to others. Unless a transgendered person can prove that discrimination was based on a real or perceived sexual orientation, then the complaint will likely be held invalid.

In a recent case being considered by the Chicago Commission on Human Relations, the complainant claimed sexual orientation but did not substantiate it in the body of the complaint. The Commission ruled that, "As a matter of definition, then, because transsexualism is not the same as homosexuality, heterosexuality or bisexuality, the Commission finds the prohibition of sexual orientation discrimination does not cover transsexualism."

### **What About Title VII?**

Title VII of the federal Civil Rights Act of 1964 prohibits discrimination based on race, sex, color, religion and national origin. Since no existing law in Illinois specifically protects transgendered persons on the basis of gender identity, they have filed complaints under sex discrimination. This was done in a recent case of employment discrimination filed with the Chicago Commission on Human Relations (Case No. 93-E-177), which is summarized in this report as Case 9. In a ruling on that case issued on May 8, 1996, the Commission considered the legalities of Title VII as follows.

A number of courts have addressed the issue of whether or not sex discrimination covers discrimination against transsexuals under Title VII. The Commission neither found nor was cited any case where such a

claim was allowed (at least after appeal).

The Seventh Circuit Court of Appeals found that Title VII does not protect transsexuals from discrimination. It held that the “plain meaning” of the prohibition of sex discrimination was to make unlawful discrimination “against women because they are women and against men because they are men. The words of Title VII do not outlaw discrimination against a person who has a sexual identity disorder....”

Other courts which have addressed this issue have unanimously found that sex discrimination does not protect transsexuals from discrimination.

Furthermore, the Commission relates that the Seventh Circuit Court actually reversed the only case where a court found a transsexual to be covered by Title VII. Karen Ulane, a pilot from Chicago, was suing her employer for employment discrimination. In that case, Ulane v. Eastern Airlines, Inc., the Northern District of Illinois ruled that sex discrimination did cover transsexuals in that transsexual discrimination was really about sexual identity (Ulane, 581 F. Supp. 821, N.D. Ill 1983). The Seventh Circuit Court reversed that ruling in 1985.

### **What Other Recourse Does the Transgendered Victim Have?**

It is possible for a transsexual victim to claim discrimination based on disability. As described above, most transgendered persons are gender dysphoric. Gender dysphoria or gender identity disorder is a condition which is described in the DSM-IV, the diagnostic manual of the American Psychiatric Association (APA). However, many transgendered individuals may not be willing to claim disability for a condition which few, if any, feel is a disorder, let alone a pathology.

It should be noted that in earlier versions of the DSM, homosexuality was also listed as a disorder. Only after the APA recognized that homosexuality is a normal variation of the human condition did they remove the diagnosis from the subsequent version of the DSM. In December, 1996, the National Gay and Lesbian Task Force released the following statement.

"The struggle for transgender people in 1996 invokes the struggle of gay and lesbian people in the early Seventies when the National Gay Task Force (NGTF) was successful in helping remove homosexuality as a mental disease. We are aware that transsexual people have unique concerns in their lives, including medical treatments such as hormones and surgery, that are different from being gay or lesbian. However, we believe no one -- whether gay, lesbian, bisexual, transgender or intersex (hermaphrodite) --

should have to accept being pathologized as mentally ill in order to attain wholeness, completeness and civil equality. “

(It should be noted that the Americans with Disabilities Acts specifically excluded transsexualism as a category for affirmative action in employment.)

## **APPENDIX E**

### **WHAT DOES IT'S TIME, ILLINOIS PROPOSE?**

We are seeking legislation which would add gender identity and/or expression as protected categories under existing state and county anti-discrimination laws. It's Time, Illinois drafts and helps to pass new laws where current language is found to be inadequate. We would prefer to do this with the full cooperation of the gay/lesbian community. However, we are prepared to do this on our own if necessary.

Where anti-discrimination laws exist which offer protection based on sexual orientation, we offer the following transgender inclusive definition.

Sexual Orientation: Having or perceived as having emotional, physical, or sexual attachment to another person without regard to the sex of that person or having or being perceived as having an orientation for such an attachment, or having or being perceived as having a self-image or identity not traditionally associated with one's biological maleness or femaleness. "Sexual orientation" does not include a physical or sexual attachment to children by an adult.

The above definition was modeled after the language in the Minnesota statute and is broad enough to protect all individuals from discrimination based on gender identity or expression.

## **APPENDIX F**

### **JURISDICTIONS THAT CURRENTLY PROTECT TRANSGENDERED PERSONS**

The State of Minnesota has a law that forbids discrimination based on sexual orientation as defined as heterosexuality, homosexuality, bisexuality and transsexuality. The cities of Santa Cruz and San Francisco, California; Seattle, Washington; Cedar Rapids and Iowa City, Iowa; and Minneapolis and St. Paul, Minnesota, all have municipal ordinances that specifically protect individuals from discrimination based on their gender identity or expression. It should be noted that these jurisdictions prohibit discrimination against transgendered people without reference to GID.

According to the National Gay and Lesbian Task Force, the European Court of Justice recently held that employment discrimination against transsexual people violates the fundamental human right to be free of discrimination based on sex. Many transgender activists believe these laws represent the beginning of a new era in transgender liberation -- a time in which they can attain equality and health care not through a diagnosis of "mental illness," but through a progressive and comprehensive civil rights agenda.

(Note: In the time since the 1997 Report was issued, several more cities have added transgender protection to their non-discrimination laws. These include Evanston IL, Pittsburgh PA, Cambridge MA, West Hollywood CA, and Ypsilanti MI.)